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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617
5514 7590 08/24/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER QUIETT, CARRAMAH J	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	08/579,739	SAKAEGI, YUJI	
	Examiner	Art Unit	
	Carramah J. Quiett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1995 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 06/07/2007, have been entered and made of record. Claims 28-31 are pending.

Response to Arguments

2. Applicant's arguments filed 06/07/2007 have been fully considered but they are not persuasive.

The applicant asserts that the cited prior art (Hicks and Aoki) does not teach the limitation "wherein if the control unit determines that a power shut-off command is received from software on the computer which needs the electronic camera, the control unit stops supplying power from the battery connected to the electronic camera to the control unit, the power shut-off command being sent from the software to the electronic camera when execution of the software is finished." Respectfully, the examiner disagrees due to the 112 Rejection below – please read below.

Claim Objections

3. Claims 28-31 are objected to because of the following informalities:

For claims 28 and 30, the term "software" was not introduced in the claim properly. Please change the limitation (Claims – page 3, line 2 and page 4, lines 4-5), "...received from software on the computer..." to "...received from a software on the computer..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 28-31** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 28 recites the limitation “wherein if the control unit determines that a power shut-off command is received from software on the computer which needs the electronic camera, the control unit stops supplying power from the battery connected to the electronic camera to the control unit, the power shut-off command being sent from the software to the electronic camera when execution of the software is finished.” in the last paragraph of claim 28 (or first paragraph on page 3 of the Claims). However, in the last two paragraphs on page 2 of the Claims, the Applicant claims “a predetermined request”. Is the Applicant claiming more than one command or request from the computer for turning off the power supply? Respectfully based on the Specification, the “shut-off command” further explains a type of “predetermined request” for turning off the power supply executed by [an exclusive-use] software on the computer. The software from the computer is still required for providing signals to the control unit of the electronic camera. Please read Specification, pages 9-13 and see fig. 3, Steps S304-S307. There is insufficient antecedent basis for this limitation in the claim. For the prior art rejection, the examiner will provide the best possible interpretation of the claim.

7. Claim 30 recites the limitation “if the control unit determines that a power shut-off command is received from software on the computer which needs the electronic camera,

stopping supplying power from the battery connected to the electronic camera to the control unit, the power shut-off command being sent from the software to the electronic camera when execution of the software is finished.” in the last paragraph of claim 30. However, in the last two paragraphs on page 3 of the Claims, the Applicant claims “a predetermined request”. Is the Applicant claiming more than one command or request from the computer for turning off the power supply? Respectfully based on the Specification, the “shut-off command” further explains a type of “predetermined request” for turning off the power supply executed by [an exclusive-use] software on the computer. The software from the computer is still required for providing signals to the control unit of the electronic camera. Please read Specification, pages 9-13 and see fig. 3, Steps S304-S307. There is insufficient antecedent basis for this limitation in the claim. For the prior art rejection, the examiner will provide the best possible interpretation of the claim.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 28-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (#5,594,672) in view of Aoki (#5,438,359).

For **claim 28**, Hicks discloses (fig. 1) a device (ref. 2 and 17) that is connectable to a computer (fig. 3a, 39/49), the device comprising:

a switch (power-up state/is the printer ready), which is turned on by a user or* the computer (col. 4, lines 50-67; col. 5, lines 49-64);

a control unit (fig. 1, ref. 17), which controls the device (col. 2, line 65 – col. 3, line 37);
and

a power control unit (fig. 1, ref. 17), which starts supplying power from to the device to the control unit if it is determined that the switch is turned on (col. 4, line 50 – col. 5, line 64),

wherein if the switch is turned on by the computer, the device operates as a peripheral device for the computer (col. 4, line 50 – col. 5, line 48),

wherein if the switch is turned on by the computer, and the control unit then determines that a predetermined request is received from the computer, the control unit continues supplying power to the device to the control unit (col. 4, line 50 – col. 5, line 48; col. 5, lines 49-64),

wherein if the switch is turned on by the computer, and the control unit then determines that the predetermined request is not received from the computer, the control unit stops supplying power to the device to the control unit, (col. 4, line 50 – col. 5, line 64; figs. 6b & 6c, refs. 197 and 201) and

wherein if the control unit determines that a power shut-off command is received from software on the computer which needs the device, the control unit stops supplying power to the control unit, the power shut-off command being sent from the software to the device when execution of the software is finished (col. 4, line 50 – col. 5, line 64; figs. 6b & 6c, refs. 197 and 201).

In col. 4, line 66 – col. 5, line 2, Hicks teaches that the device can be a printer or *other device*. In other words, devices other than printers can also be used with computers. However, Hicks does not expressly teach an (the) electronic camera and supplying power from a (the) battery connected to the electronic camera.

In a similar field of endeavor, Aoki discloses an electronic camera (fig. 3, ref 1) and teaches supplying power from a battery (ref. 16) connected to an electronic camera. Please read Aoki, col. 4, lines 4-20. The host computer of Hicks and the electronic camera of Aoki are reasonably pertinent to solving the problem of allowing a user to transmit image data to and receiving image data from the computer from the camera allowing greater processing capability as well as the opportunity to store a large number of images (Aoki, col. 1 line 23 - col. 2 line 30). Since Hicks specifically discloses that computers may be used with different types of peripheral devices, and Aoki discloses that it is advantageous to use cameras along with computers, it would have been obvious to one of ordinary skill in the art to supply power from a battery connected to the peripheral device in the power saving system disclosed by Hicks.

For **claim 29**, Hicks, as modified by Aoki, teaches the electronic camera, wherein if the switch is turned on by the user, the control unit controls the electronic camera to operate as a standalone device (Hicks, col. 4, line 66 – col. 5, line 2; Aoki, col. 4, lines 4-20).

Regarding **claims 30 and 31**, these claims are method claims corresponding to the apparatus claims 28 and 29, respectively. Therefore, method claims 30 and 31 are analyzed and rejected as previously discussed with respect to claims 28 and 29, respectively.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
August 10, 2007


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER